

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**THE DEFENDANT, DR. DAVID ARNDT'S MOTION TO CONSIDER
SENTENCING LETTERS**

The Defendant, Dr. David Arndt, requests that the Court consider the following attached letters from William Silen, M.D., Stephen M. Biolio, PhD, RN, CS and Rabbi Sol Goodman to determine the appropriate sentence in this case.

Respectfully Submitted,

DAVID C. ARNDT
By his attorneys,

Stephen R. Delinsky (BBO #119120)
ECKERT, SEAMANS, CHERIN & MELLOTT, LLC
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Telephone No.: 617.342.6800
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DATED: December 18, 2006

William Silen, M.D.
Johnson and Johnson Professor of Surgery, Emeritus
Harvard Medical School

710 Wellesley Street
Weston, Massachusetts 02493-1000

December 9, 2006

The Honorable Richard G. Stearns
United States District Court
Boston MA 02110

Dear Sir:

re: Dr. David C. Arndt

In the case of the United States vs. Dr. David C. Arndt, I believe it would be helpful to all parties concerned if I provided an evaluation of him and his work during his training in general and orthopedic surgery following his graduation from Harvard Medical School in 1992.

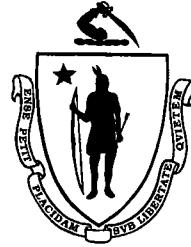
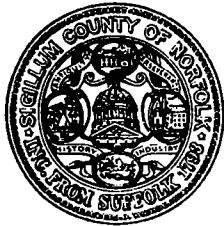
As head of the Department of Surgery at the then Beth Israel Hospital and Professor of Surgery at Harvard Medical School, it was my responsibility to select candidates for the residency training program and to follow and evaluate their progress as the training proceeded. I should emphasize that these positions are limited to a handful of trainees and are highly sought by candidates from schools throughout the United States.

Dr. Arndt had compiled a superb record in medical school and received many complimentary letters describing his great promise and supporting his candidacy. Accordingly we were pleased to accept him into the program. Our careful observations indicated that Dr. Arndt was an exceptionally bright and hard working young man with the kind of great curiosity which usually augurs that we are dealing with a fine future physician and surgeon. He always treated patients with kindness, dignity and empathy, and I never observed anything less than the highest standards of care on his part. After his initial required training in general surgery, Dr. Arndt became interested in orthopedic surgery and was accepted into the Harvard Combined Orthopedic Residency Program, one of the most highly regarded programs in the country. While in this program, Dr. Arndt rotated through the Beth Israel Hospital where he continued to perform in an excellent fashion.

When I learned of the difficulties encountered by Dr. Arndt after his graduate training was completed and while in practice, I could scarcely believe this terrible tragedy because it seemed so out of keeping with all he had accomplished previously. I sincerely hope that the information provided above will be of value to you and the Court.

Sincerely yours,
William Silen, M.D.
William Silen, M.D.

*The Commonwealth of Massachusetts
County of Norfolk*



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December 13, 2006

The Honorable Richard G. Stearns
United States District Judge
Federal Court House
Boston, MA 02110

RE: DR. DAVID ARNDT

Dear Judge Stearns:

In preface to this communication regarding Federal detainee Dr. David Arndt I would like to introduce myself. My name is Stephen M. Bolio, PhD, RN, CS. I am a doctorally prepared nurse practitioner/psychiatric clinical specialist having earned my masters' degree in psychiatric mental health counseling from Boston College (1982) and my doctorate of philosophy with a concentration in correctional health care from the University of Massachusetts Medical Center at Worcester (1999). I am a tenured full-time faculty at Framingham State College (1985-present) and have been employed concurrently within the Massachusetts' criminal justice system, also full-time, since 1988. Despite being employed within this system for almost twenty years this is the first time I have written a letter in support of any inmate/detainee.

I have known Dr. Arndt since his incarceration at the Norfolk County Sheriff's Office Correctional Center (NCSOCC) as a Federal detainee on June 2, 2004. As part of the routine intake process David was referred to me for an initial psychiatric evaluation. My initial impression was Dr. Arndt presented himself as unkempt, disheveled and disorganized in his thought process displaying minimal eye contact and a flat (not animated) affect. Further examination, secondary to Dr. Arndt refusing meals, on June 8, 2004 revealed that Dr. Arndt's mental status had decompensated as he was expressing suicidal ideations ("I want to die." "I have nothing." "I have no future." "My life is over.") with a realistic plan ("I'll just wait until my electrolytes are off and I'll die.")

Dr. Arndt was immediately referred to Dr. Patricia Pickett, MD, a board certified forensic psychiatrist for evaluation. Dr. Pickett concurred Dr. Arndt was at imminent risk for self-harm and petitioned the Court for involuntary commitment to Bridgewater State Hospital (18a). The Court granted her petition and David was transferred from NCSOCC to Bridgewater State Hospital. A review of Dr. Arndt's medical records indicate that following his release from Bridgewater State Hospital he was transferred to Plymouth County House of Correction (PCHOC). Dr. Arndt was transferred from PCHOC back to NCSOCC pm January 18, 2005.

Since Dr. Arndt's transfer back to the NCSOCC I have been David's primary care provider. In providing both medical and psychological services I have met with him on numerous occasions during the past 23 months. My ongoing assessment and subsequent clinical evaluation of Dr. Arndt over this extended period serves as the motivation for sending you this communication.

First and foremost, I have been impressed with Dr. Arndt's willingness to assume full responsibility for his past behaviors, both professional and personal, as well as his acknowledgment that these egregious behaviors were a direct result of his on-going substance (methamphetamine) abuse. Dr. Arndt readily and willingly admits to his addiction verbalizing complete understanding of the life-long challenge of remaining drug free.

Dr. Arndt verbalizes with candor and clarity total acceptance of these substance abuse issues as well his understanding of the devastation his substance-related behaviors have had on this professional and personal life. I believe Dr. Arndt is sincere in his remorse for the negative consequences his behaviors have had on his patients, family, and friends. It impresses me that Dr. Arndt does not view himself as a victim nor does he lament over the catastrophic impact his behaviors have had on his very promising career as an orthopedic surgeon, rather, he verbalizes only his regrets on the impact of his behaviors on others.

As a clinician with over 30 years experience working within substance abuse and correctional settings, I state, without reservation, I am confident Dr. Arndt will not relapse into future substance use.

Sincerely,



Stephen M. Bolio, PhD, RN, CS
Director of Clinical Services

Rabbi Sol Goodman
163 Walnut St.
East Providence, RI 02914
401-434-1108
December 15, 2006

The Honorable Judge Richard G. Stearns
United States District Court
Boston, MA 02110

Dear Judge Stearns:

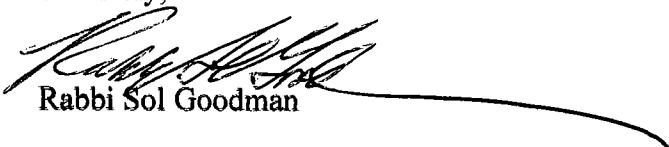
I currently serve as chaplain to the Jewish inmates at the Norfolk County Sheriff's Office and Correctional Center in Dedham, MA. I write in regard to inmate David Arndt, whom I have known since his incarceration at the correctional facility. I did not know inmate Arndt prior to his arrival at the facility. He is currently the only Jewish inmate in his unit, which I visit regularly on a weekly basis. To the best my knowledge, he has not missed a weekly session since the beginning of my visits to the unit, except for several court dates, unscheduled lock-downs of the unit, or my own occasional absences. In this time period he has taught himself to read and print Hebrew and has begun the practice of putting on phylacteries (tefillin—a daily worship obligation for observant Jews) each time we meet. He has begun to study the weekly Torah portion each week in Hebrew, English, and with a traditional commentary. Inmate Arndt has attempted, while incarcerated, to observe as much of Jewish religious practice as possible, given the conditions of his incarceration: He recites blessings daily, attempts to observe the Sabbath in some measure, and has requested and adhered to a Kosher diet (the meals are provided by the facility). I have observed him be careful about his religious practice and study within his cell, inasmuch as the toilet is in the cell proper.

Inmate Arndt continues to study about Jewish thought, practice and tradition. He arrives at our sessions with lists of serious questions about Jewish thought and practice. He has repeatedly stated that his incarceration has provided him with an opportunity to review his life and reconsider the spiritual and religious path that he had been taking. I have observed him become more religiously observant, and also more spiritually aware of his past and its ramifications for his future life. He speaks honestly about the consequences of his past behavior, which has resulted in his incarceration. At times, he has stated that his incarceration was a "blessing" (his word), because it stopped his prior self-destructive behavior, put him in touch with his own spiritual side, and probably saved his life. He has indicated that he looks to the future more hopefully.

From a Rabbinic standpoint, it seems to me that these recent months of incarceration have provided inmate Arndt with a valuable opportunity for a significant life review.

I trust that this letter will be of assistance in your deliberations.

Sincerely,



Rabbi Sol Goodman